

ATTEST

By Mecca Thompson at 9:05 am, Oct 24, 2007

8:46 am, Oct 24, 2007

FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

FILED
CLERK'S OFFICE

IN RE: GREENWOOD CREDIT UNION
PRESCREENING LITIGATION

MDL No. 1870

TRANSFER ORDER

Before the entire Panel: Common defendant Greenwood Credit Union (Greenwood) has moved, pursuant to 28 U.S.C. § 1407, to centralize this litigation in the District of Massachusetts. This litigation currently consists of three actions pending in that district, the Eastern District of New York, and the District of Rhode Island, respectively, as listed on Schedule A. No plaintiff responded to the motion.

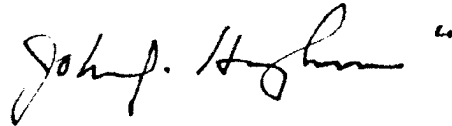
On the basis of the papers filed and hearing session held, we find that these three actions involve common questions of fact, and that centralization under Section 1407 in the District of Massachusetts will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. All three actions arise from allegations that Greenwood's "pre-screened" letters of credit violated the Fair Credit Reporting Act because they were not "firm offers of credit" within the meaning of the statute. Centralization under Section 1407 will eliminate duplicative discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, their counsel and the judiciary.

We are also persuaded that the District of Massachusetts is an appropriate transferee district for pretrial proceedings in this litigation, because (1) the action pending there is clearly the most advanced of the three actions; and (2) this district is the unopposed choice of the moving party.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A and pending outside the District of Massachusetts are transferred to the District of Massachusetts and, with the consent of that court, assigned to the Honorable Joseph L. Tauro for coordinated or consolidated pretrial proceedings with the action pending in that district and listed on Schedule A.

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PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in black ink, reading "John G. Heyburn II". The signature is fluid and cursive, with the first name "John" being the most prominent.

John G. Heyburn II
Chairman

D. Lowell Jensen
Robert L. Miller, Jr.
David R. Hansen

J. Frederick Motz
Kathryn H. Vratil
Anthony J. Scirica

**IN RE: GREENWOOD CREDIT UNION
PRESCREENING LITIGATION**

MDL No. 1870

SCHEDULE A

District of Massachusetts

Anthony Sullivan v. Greenwood Credit Union, C.A. No. 1:06-11368

Eastern District of New York

Jacob Terebelo v. Greenwood Credit Union, C.A. No. 2:07-1983

District of Rhode Island

Cynthia A. Dixon v. Greenwood Credit Union, C.A. No. 1:07-116

I hereby certify on 10/30/07 that the
foregoing document is true and correct copy of the
☐ electronic docket in the captioned case
☐ electronically filed original filed on _____
☒ original filed in my office on 10-25-07
Sarah A. Thornton
Clerk, U.S. District Court
District of Massachusetts
By: Sherry Jones
Deputy Clerk

MULTIDISTRICT LITIGATION

CHAIRMAN:

Judge John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

Judge Anthony J. Scirica
United States Court of Appeals
Third Circuit

DIRECT REPLY TO:

Jeffery N. Lüthi
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888
<http://www.jpml.uscourts.gov>

October 24, 2007

Sarah Thornton, Clerk
Clerk's Office - Attn: Sherry Jones
U.S. District Court
595 Main Street
Worcester, MA 01608

Re: MDL No. 1870 -- IN RE: Greenwood Credit Union Prescreening Litigation

Dear Ms. Thornton:

Attached as a separate document is a certified copy of a transfer order issued today by the Judicial Panel on Multidistrict Litigation in the above-captioned matter. The order is directed to you for filing. Rule 1.5 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 428 (2001), states "A transfer or remand pursuant to 28 U.S. C. § 1407 shall be effective when the transfer or remand order is filed in the office of the clerk of the district court of the transferee district."

Today we are also serving an information copy of the order on the transferor court(s). The Panel's governing statute, 28 U.S.C. § 1407, requires that the transferee clerk "transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred [transferor court]."

Rule 1.6(a), pertaining to transfer of files, states "the clerk of the transferor district court shall forward to the clerk of the transferee district court the complete original file and a certified copy of the docket sheet for each transferred action." **With the advent of electronic filing, many transferee courts have found that it is not necessary to request the original file. Some transferee courts will send their certified copy of the Panel order with notification of the newly assigned transferee court case number and inform the transferor courts that they will copy the docket sheet via PACER. Others may request a certified copy of the docket sheet and a copy of the complaint (especially if it was removed from state court). You should be specific as to the files you would like to receive from the transferor courts and if no files will be necessary, you should make that clear. Therefore, Rule 1.6(a) will be satisfied once a transferor court has complied with your request.**

You may find Chapter 7 of Volume 4 of the Clerks Manual, United States District Courts helpful in managing the your MDL docket.

The Panel Clerk's Office maintains the only statistical accounting of multidistrict litigation traffic in the federal courts. These statistics are used by the Administrative Office of the United States Courts and the Judicial Conference. Therefore, your cooperation in keeping the Panel advised of the progress of this litigation would be appreciated. We are particularly interested in receiving the docket numbers assigned to

each transferred action by your court; the caption and docket numbers of all actions originally filed in your district; and copies of orders regarding appointment of liaison counsel, settlements, dismissals, state court remands, and reassignments to other judges in your district.

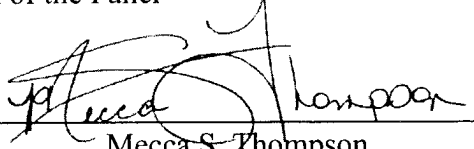
Your attention is also directed to Panel Rule 7.6, regarding termination and remand of transferred actions. Upon notification from your court of a finding by the transferee judge suggesting to the Panel that Section 1407 remand of a transferred action is appropriate, this office will promptly file a conditional remand order.

Attached to this letter, for your information, is a copy of the Panel Attorney Service List and a listing of the transferor court clerks with respect to this order.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By


Mecca S. Thompson
Deputy Clerk

Attachments (Transfer Order is a Separate Document)

cc: Transferee Judge: Judge Joseph L. Tauro
Chief Judge Transferee District: Judge Mark L. Wolf



UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
OFFICE OF THE CLERK
1 COURTHOUSE WAY
BOSTON, MASSACHUSETTS 02210

Sarah Allison Thornton
CLERK OF COURT

October 30, 2007

Mr. David A. DiMarzio, Clerk
United States District Court
124 Federal Building and Courthouse
One Exchange Terrace
Providence, RI 02903-1270

RECEIVED

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**Property of U.S. District Court
District of Rhode Island**

IN RE: MDL DOCKET No. 1870 IN RE: Greenwood Credit Union Prescreening Litigation.
USDC - Massachusetts Lead Case No. 1:07-md-1870-JLT
Your Case Civil Action No. 1:07cv00116-T-LDA
District of MA No.1:07-cv-12023-JLT

Dear Clerk:

Enclosed is a certified copy of the Order of the Judicial Panel on Multi-District Litigation, transferring the cases on the attached listing to the U.S. District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to Title 28 United States Code Section 1407. These cases have been assigned to the Honorable Joseph L. Tauro.

In accordance with the Rules concerning Multi-District Litigation, please email the electronic case file to Sherry_Jones@mad.uscourts.gov or send a disc containing all documents filed to **Clerk's Office, 595 Main St., Suite 502, Worcester, MA 01608, Attn: Sherry Jones**. In addition, please send a certified copy of the docket sheet and a copy of the transfer order for the case now pending in your district as indicated above. Also include a copy of this letter when transmitting your records.

Your prompt attention to this matter is greatly appreciated. If you should have any questions, please do not hesitate to contact the undersigned at 508-929-9901, Zita Lovett, Courtroom Clerk for Judge Tauro at 617-748-9183 or Kim Abaid, Docket Clerk for Judge Tauro, at 617-748-9113.

Sincerely,
/s/ Sherry Jones
Sherry Jones
Deputy Clerk

Information Copy to: Jeffery N. Luthi, Clerk of the Panel
Counsel of Record